

FARMINGTON CITY PLANNING COMMISSION

Thursday, October 11, 2007

PLANNING COMMISSION STUDY SESSION

Present: Vice Chairman Kevin Poff, Commission Members John Bilton, Andrew Hiller, Cory Ritz, Paul Barker, Rick Wyss, City Planner David Petersen, Alternate Planning Commission Members David Safeer and Randy Hillier, and Recording Secretary Kami Mahan.

Vice Chairman Kevin Poff called the meeting to order at 6:08 p.m. The following items were reviewed:

Agenda Item #1: Minutes

The Planning Commission reviewed the minutes of the September 27, 2007 Planning Commission meeting. **Kevin Poff** pointed out two changes: on page 13, in the middle of the page, he directed that a sentence be added: “**Kevin Poff** said he thought it was a mistake for the homes to not face 600 North. At the top of the page 15 concerning the motion, Mr. Poff directed that it say “The motion passed by a vote of 5-0-1. **Kevin Poff** did not vote.”

Agenda Item #2: City Council Report

David Peterson reported the proceedings of the City Council meeting which was held on October 2, 2007. He covered the following items:

- The two Public Hearings on Nicholl’s Nook and the McBride Subdivision were continued until October 16th, 2007.
- The City Council denied UDOT’s Request to amend the City’s Master Transportation Plan, stating the Council’s preference for a further west location. They also formally requested that UDOT and the Legislature initiate an Environmental Assessment to more clearly define the “purpose and need” for Legacy Highway going through Farmington.
- The City Council directed city staff to investigate the process for removing the current Legacy North to Legacy Connection near Shepard Lane from the Master Transportation Plan, and for staff to initiate a new Master Transportation Plan amendment effort to study issues related to Park Lane.

Agenda Item #3: (Public Hearing) Roger & Heidi Eggett - Applicant is requesting a recommendation for Schematic Plan approval for the proposed Rockin’ E Ranch Subdivision, consisting of 4 lots on 6.8 acres in an AE zone on Property at 612 S. 650 W. (S-21-07)

David Petersen reviewed this item, and passed out pictures of the property to the Commission. He emphasized that there is a concern with the detention basin owned by the City. **Mr. Petersen** said that he met with developer earlier in the day.

Mr. Petersen said that City staff told Mr. Eggett that if 21 ft of asphalt are installed, the City can work with him. **Mr. Petersen** said that Roger Eggett liked the proposal, and that Staff suggested a neighborhood meeting to work out the merits of the plan. **David Petersen** referred to an overhead map of the area and pointed out to the Commission what lots the neighbors may ultimately acquire.

The Commission briefly discussed fire protection in the proposed development. **Mr. Petersen** said that Roger Eggett accepts that the issue would be tabled at tonight's meeting. **Cory Ritz** said that a long term plan is the only the way the properties will be able to develop.

Agenda Item #4: SLI & Farmington City - (Public Hearing) - Applicant is requesting a recommendation for Schematic Plan approval for the proposed Spring Creek Subdivision Phases 4 & 5, consisting of 16 lots on 10.5 acres in the AE zone on property located at approximately 675 North 1525 West. (S-24-07)

David Petersen said that the developer is ready to submit his drawings, and will reconfigure some of the lots. He said that the lots the City is receiving under the proposal are valuable, and he reiterated the benefits to the City in the "Benefits Analysis" contained in the packet.

On the map of the area, **Mr. Petersen** pointed out a ribbon of wetlands passing through two of Howard Kent's lots in the development, and said that this area was mismarked as wetlands.

Agenda Item #5: Rainey Homes - Applicant is requesting a recommendation for Final approval for Phase 5 of the Miller Meadows Subdivision, consisting of of 7 lots on 3.04 acres in the AE zone on property located at Rigby Court & Rigby Drive. (S-19-07)

Jared Hall reviewed this item. He said that the lot lines crossing the conservation area need to be corrected, which will be done.

Agenda Item #6: Susan White - (Public Hearing) - Applicant is requesting Conditional Use Approval for the operation of a sit-down restaurant in the BR zone on property located at 7 East State Street. (C-16-07)

David Petersen said that City staff has discussed this proposal with the applicant. He said **Ms. White** did not know about federal tax credits for commercial properties. **Jared Hall** gave a brief overview of the proposed plan. The Commission discussed parking for the establishment.

Susan White's food service experience was discussed.

Agenda Item #8: Discussion of the Legacy Scenic By-way with the Farmington City Council and Planning Commission

David Petersen said the City has been working on a Master Plan with other neighboring cities. He said that at 8:00 p.m. the City Council would join the Commission for the Scenic By-way meeting, which would consist of an update by **Sharen Hauri**.

Agenda Item #9: Garbett Homes - Applicant is requesting a recommendation for Final approval for the Phase 1 of the Farmington Crossing North PUD Subdivision, consisting of 145 units on 8.97 acres in the C(PUD) zone on property located at approximately 840 N. Shepard Creek Parkway. (S-30-05)

David Petersen reviewed the background information on this Agenda item. The Commission discussed getting clarification from the applicant about the planned building materials.

Agenda Item #10: Miscellaneous Business (City Council only).

David Petersen said that following the Planning Commission meeting, the City Council will join with **Todd Godfrey** and members of the Commission to discuss rezoning request regarding the TMU zone. **John Bilton** and **Cory Ritz** volunteered to participate in the discussion.

Agenda Item #11: Planning Commission consideration of the Farmington Meadows Landscape Plan.

David Petersen said that City staff would like the Commission to approve this item.

The meeting adjourned at 6:55 p.m.

PLANNING COMMISSION REGULAR SESSION

Present:, Vice Chairman Kevin Poff, Commission Members John Bilton, Andrew Hiller,

Cory Ritz, Paul Barker, Rick Wyss, City Planner David Petersen, Alternate Planning Commission Member Randy Hillier, and Recording Secretary Kami Mahan. Planning Commission Chairman Jim Talbot and alternate David Safeer were excused.

Vice Chairman Kevin Poff called the meeting to order at 7:05 p.m. **Andrew Hiller** offered the invocation.

APPROVAL OF MINUTES (Agenda Item #1)

The Planning Commission reviewed the minutes of the September 27, 2007 Planning Commission meeting. **John Bilton** moved to approve the minutes with changes as noted. **Cory Ritz** seconded the motion, which passed by a unanimous vote.

CITY COUNCIL REPORT (Agenda Item #2)

The City Council report was given by **David Petersen** during the work session.

(PUBLIC HEARING) ROGER & HEIDI EGGETT - APPLICANT IS REQUESTING A RECOMMENDATION FOR SCHEMATIC PLAN APPROVAL FOR THE PROPOSED ROCKIN' E RANCH SUBDIVISION, CONSISTING OF 4 LOTS ON 6.8 ACRES IN AN AE ZONE ON PROPERTY AT 612 S. 650 W. (S-21-07) (Agenda Item #3)

Background Information

Overview: The applicant's home currently sits on these parcels, and would remain as a part of the proposed subdivision. In addition to the existing home, they own properties to the west and north, with frontage on both 650 West and 500 South. The schematic plan currently adds three new lots, all 1 acre or greater. The applicants would retain their current home on a lot, along with a riding area and associated buildings. The newly created lots would all be accessed by a proposed road, running south from the frontage on 500 South Street.

Zoning / General Plan: The zoning on the property is AE (requiring 1 acre lots unless a PUD or conservation subdivision) and the general plan calls for low density residential development to occur. The schematic is appropriate for both the zoning and general plan designations.

Infrastructure / Streets: The existing home is accessed from 650 West. The new lots would be accessed from the applicant's proposed road coming south from 500 South. The City owns the property to the west, which is used for detention. The proposed road jogs westward along the

south side of the City's property to the D&RG right-of-way, and then continues south. The current plan shows this road stubbing into the south property lines, still skirting the western edge of the proposal, along the D&RG .

While it is desirable to continue a road to the south as a part of this project, this particular arrangement creates a concern with regard to block length. With the D&RG land to the west, the only outlets to other roads can be to the east. Without an outlet to 650 West as a part of this development, it seems likely that Farmington's 1,000 foot block maximum may be violated if the road is extended further south in the future -- unless such future development removes existing homes. Section 12-7-020(3) of the subdivision ordinance states:

(3) The maximum length of blocks shall be one thousand (1,000) feet and the minimum length of blocks shall be four hundred (400) feet. In blocks over eight hundred (800) feet in length, a dedicated walkway through the block, at approximately the center of the block, may be required. Such walkway shall be not less than ten (10) feet in width.

Other: Staff has some concerns with this schematic subdivision regarding the gas transmission lines in the area (depicted with a hatched corridor on the plan) and the potential future development of properties more in the interior of this block. This is a large interior block with some properties running as full parcels through from 650 West to the D&RG right-of-way. The best developments for the neighborhood as a whole will facilitate the development of the entire block, as opposed to creating multiple dead-ends. Staff has looked at an alternative possibility for the block's development that may possibly allow this applicant to develop in a different way, while doing a better job of providing future possibilities for access. Staff plans to present other options for the applicant and the Planning Commission at the hearing, and to meet with the applicant before the hearing.

END OF PACKET MATERIAL

Vice Chairman Kevin Poff introduced this Agenda item. **Jared Hall** referred to an overhead map of the property and reviewed the background information and some details of the current proposal. He pointed out that City staff has concerns regarding the gas transmission lines in the area, the detention basin south of the property, and placement of the proposed road as it affects future development.

In response to questions by **Kevin Poff**, **Jared Hall** said that the proposed road is sharply angled at the curves rather than gently curved in order to accommodate the gas pipeline and to make Lot 1 more useable. **Mr. Hall** also said that the fire department has so far given approval of the road configuration.

In clarification of a question by **Paul Barker**, **Jared Hall** said that access to Lot 1 would be off of the proposed road.

Vice Chairman Poff invited the applicant to address the Commission.

Roger Eggett (612 South 650 West) referred to the overhead map and pointed out the front two lots (Lots 4 and 5) of the property. He said that he would like to leave those lots as proposed on the plan because they are not buildable, and the intent of future buyers of the property is unknown.

In response to questions by the Commission about the proposed road, **Mr. Eggett** said that the pipeline company expressed a preference that the street cross the pipeline at a ninety degree angle, but that they would allow another angle of crossing. **Mr. Eggett** said that he could trade the City some of his property for a part of the retention basin in order to change the road configuration.

Public Hearing

Vice Chairman Poff opened the meeting to a public hearing.

Public Hearing Closed

With no forthcoming comments, **Vice Chairman Poff** closed the public hearing. The Commission members discussed the issues, including the following points:

John Bilton expressed concern about residents between 650 West and the D&RG rail line, and said that a more congruent plan for the entire area is needed. He stated that the thousand foot length and placement of the potential road could be a problem for the area in the future.

Jared Hall responded that this issue has also been considered by Staff, and that they are concerned with future potential development in the area.. He said that **Roger Eggett** has worked with Staff regarding stubbing the street rather than having a cul-de-sac, and that locations for street exits are limited. Mr. Hall said that Staff would like to further review the issue of block length.

Cory Ritz suggested that City staff should meet with landowners in the area to obtain feedback.

Motion

Cory Ritz made a motion to table the **Eggett's** request for two weeks to allow Staff to meet with the affected landowners. **John Bilton** seconded the motion, which passed by a unanimous vote.

PUBLIC HEARING) SLI & FARMINGTON CITY - APPLICANT IS REQUESTING A RECOMMENDATION FOR SCHEMATIC PLAN APPROVAL FOR THE PROPOSED SPRING CREEK SUBDIVISION PHASES 4 & 5, CONSISTING OF 16 LOTS ON 10.5 ACRES IN THE AE ZONE ON PROPERTY LOCATED AT APPROXIMATELY 675 NORTH 1525 WEST. (S-24-07) (Agenda Item #4)

Background Information:

Farmington City desires to enable Terry Derue, the developer of the proposed Canyon Park Conservation Subdivision at approx. 16 West 600 North, to trade lots for conservation land in the Spring Creek Subdivision thereby providing more open space in Canyon Park (see enclosed study titled "Farmington City-Benefits Analysis of North Park Development Transaction, October 1, 2007"). Therefore, city staff and the developer propose to modify a northeasterly cul-de-sac in the Spring Creek subdivision by extending this street to 675 North (Burke Lane) and to increase the number of lots from 7 to 16 as shown on the attached schematic plan. Phase 5, as shown on the plan, will be the receiving area for the "Deru" lots (10 lots). The total number of "Kent" lots will be reduced from 7 to 6 (Phase 4) as shown the schematic plan.

Howard Kent is almost ready to present his final plat (except for the aforementioned cul-de-sac) to the City for Spring Creek Phase 3. At that time he will propose to increase the total number of lots in this phase by at least one additional lot and maybe more. Recently, he updated his wetland study for the Spring Creek subdivision. This study shows a net loss of wetlands for the entire project. The existing yield plan of 132 lots resulted in a master plan containing 158 lots. According to Mr. Kent--due to the reduction in wetlands, a new master plan (if prepared) may contain 162 lots (note: in order for this occur Mr. Kent must first update the yield plan to show at least 135 lots).

END OF PACKET MATERIAL

David Petersen referred to an overhead map of the area and explained the plans for the area as outlined in the background information. He said that issues regarding land use have been resolved. **Mr. Petersen** pointed out on the map the parcel owned by **Steve Flanders**, and said that

according to **Mr. Flanders** he had had a long standing request that the street be stubbed to his property.

Mr. Petersen said that a wetlands expert walked the property and determined that the ribbon of wetlands shown on the plan were mislabeled. He said that stubbing the street makes sense in the long run, and that it is a benefit for 675 North not to be a dead end street. Mr. Petersen stated that the proposal provides better traffic circulation and access in the area.

Mr. Petersen reviewed each of the conditions in the Staff report pertaining to the development. He pointed out that the City will receive less open space by the Rock Mill as compared to Spring Creek Estates, but the overall value of the property received is higher.

Mr. Petersen suggested that the Planning Commission add a tenth condition that a stub street be provided from the Flanders' property to the south.

Public Hearing

Vice Chairman Kevin Poff opened the meeting to a Public Hearing.

Public Hearing Closed

With no forthcoming comments, **Vice Chairman Poff** closed the Public Hearing, and turned the issue over to the Commission for discussion.

John Bilton expressed concern that when conservation subdivisions are approved, open space is created which can go unchecked. **David Petersen** said that Howard Kent is not having an HOA to care for the open space. The open space in Phase 3 will be a detention basin that will follow the wetland line. **Mr. Petersen** said that this issue should be addressed in Phase 3.

Kevin Poff raised the issue of what options the developer will have, which the Commission discussed. **David Petersen** said that this issue can be addressed later, and does not need to delay approval of the Schematic Plan.

Cory Ritz said that the Commission needs to pay attention to the open space issue when the developer returns to seek further approval, and that the developer needs to take care of the open space in a way that makes sense. **Mr. Ritz** said that a precedent should not be set to allow owners to let open space become unsightly. **Kevin Poff** suggested that the Commission should be reminded of the open space maintenance issue when this item comes back for further consideration.

Motion

Cory Ritz made a motion that the Planning Commission recommend that the City Council grant Schematic Plan approval of the proposed Spring Creek Subdivision, subject to all applicable Farmington City development standards and ordinances, subject to the following items #1-9, with a 10th condition being added, that the lot line of Lot 404 be adjusted in a manner acceptable to the City to allow for and show a stub street to the properties to the south.

1. The development thereof shall be subject to all conditions of preliminary plat approval for the entire Spring Creek Estates project.
2. The City must have the ability to establish a detention basin in Parcel H as shown on the plan.
4. The City Council must approve a waiver as set forth in Section 11-12-065 for the loss of overall open space in the Spring Creek project.
5. Howard Kent may increase the total number of lots in Spring Creek Estates Phase 3 by at least one lot (and maybe more if a new yield plan for the project provides more lots).
6. The developer shall convey a conservation easement acceptable to the City over and across the proposed remaining open space in the Spring Creek Subdivision Phase 5.
7. The western boundary of lots 504 and 505 must be moved further west to increase the size of these lots in compliance with City ordinances.
8. Applicant must receive input from the respective reviewing agencies prior to preparing the preliminary plat.
9. An agreement must be executed to allow the City to acquire the Phase 5 property from Howard Kent.
10. The lot line of Lot 404 shall be adjusted in a manner acceptable to the City to allow for and show a stub street to the properties to the south.

Andrew Hiller seconded the motion, which passed by a unanimous vote.

Findings:

1. Provides better traffic circulation in the area.
2. Provides the benefits outline in the report titled "Farmington City–Benefits Analysis of North Park Development Transaction, October 1, 2007".
3. The waiver of the minimum open space requirement is justified because the loss of approx. 3.16 acres of open space in the Spring Creek project is being replaced by 1.27 acres of open space in Canyon Park which open space is more than double the value of the Spring Creek open space.

Two additional Findings were suggested by the Commission:

4. In Condition #10, the stub street to the south makes the retention basin more congruent with the area.
5. The stub street is a benefit to the City.

RAINEY HOMES - APPLICANT IS REQUESTING A RECOMMENDATION FOR FINAL APPROVAL FOR PHASE 5 OF THE MILLER MEADOWS SUBDIVISION, CONSISTING OF 7 LOTS ON 3.04 ACRES IN THE AE ZONE ON PROPERTY LOCATED AT RIGBY COURT & RIGBY DRIVE . (S-19-07) (Agenda Item #5)

Background Information

The Miller Meadows Subdivision Preliminary Plat approval approved by the City some time ago has progressed in phases. In July of this year, the Planning Commission and City Council approved the Miller Meadows phase 4 Final, with the condition that the developers revise the phasing plan for the project. That has been done, and there will be a total of 7 phases when the project is complete. The Final Plat for phase 5 includes 7 lots on Rigby Court (excluding the first two lots on the cul-de-sac, which were approved as part of phase 2) and an adjacent arm of the conservation easement area, running the length of the south end of the phase, west to Daniel Drive.

The reviewing entities (e.g. CRS Engineers, CDSD, Benchland, Public Works, Fire Dept., and Storm Water) have all seen and approved of the final plat and improvement drawings.

END OF PACKET MATERIAL

Jared Hall pointed out that there were some minor mistakes on the phasing plan distributed in the packet, which were addressed in the work session. He pointed out the conservation area on an overhead map, and said that the lots running through the area should be called conservancy “areas” rather than “lots”.

Mr. Hall said that City staff is comfortable with the changes that can be made. He stated that a development agreement is in place, and he reviewed several of the conditions outlined in the Staff report. **Kevin Poff** asked **Mr. Hall** if he was satisfied that any adjustments in the plat that need to be made are covered in Condition #1, and **Mr. Hall** said that he was.

Vice Chairman Poff turned the item over to the Commission for discussion.

In response to a question by **John Bilton**, **Jared Hall** said that the applicant understands that the lot lines are incorrect. **Mr. Bilton** asked if apparent drainage insufficiencies in the subdivision have been addressed, and **Jared Hall** said that there are some problems, but that approval has not been withdrawn by any entities.

Motion

Paul Barker moved that the Planning Commission recommend final plat approval of the Miller Meadows Subdivision to the City Council, subject to all applicable city codes and standards and including the following conditions:

1. The Developer must continue to work with staff to correct any deficiencies in the plat or related improvement drawings in preparation for recording;
2. Subject to any and all terms of the Development Agreement for the Miller Meadows Subdivision;
3. Prior to recording, the Developer shall prepare and submit a consistent street lighting plan for review and approval by the City;
4. The Developer must comply with all conditions of the Preliminary Plat and all previous approvals.

Randy Hillier seconded the motion, which passed by a unanimous vote.

Findings:

1. The conditions of preliminary approval are being met.
2. The phasing plan has been re-drawn as the developers were directed.
3. The project is in keeping with the General Plan of the city.

Vice Chairman Poff announced that at 8:00 p.m. the Planning Commission and City Council would be having a joint meeting, and that any Agenda items not yet covered would be postponed until the joint meeting was over.

Motion

Cory Ritz moved to switch Agenda Items #7 and #6, to allow the applicant to be present. **Andrew Hiller** seconded the motion, which passed unanimously.

SUSAN WHITE - (PUBLIC HEARING) - APPLICANT IS REQUESTING CONDITIONAL USE APPROVAL FOR THE OPERATION OF A SIT-DOWN RESTAURANT IN THE BR ZONE ON PROPERTY LOCATED AT 7 EAST STATE STREET. (C-16-07) (Agenda Item #6)

Background Information

General: This application is for a new restaurant at the location of the recently closed “Pizza Place” on the NE corner of State and Main. Traditional sit-down restaurants are allowed in this zone, but only as a conditional use. The applicant has proposed opening a Mexican restaurant at this location, making a few improvements to the interior to accommodate her business. The proposed hours of operation are Mon – Thur 11:00 a.m. – 9:00 p.m., Fri – Sat 11:00 a.m. – 10:00 p.m., and closed on Sundays. She estimates 5-6 employees total.

There are standards contained in the ordinances for review of conditional uses, 11-8-105. Copies are attached as a supplement to the report. They stipulate that the conditional use comply with regulations for the specific use type (i.e., parking, hours of operation, storage etc.) The most obvious issue facing this particular location is the lack of associated parking.

Parking: The building’s use as a restaurant carries a parking requirement of 12 spaces per 1,000 s.f. of floor area (no specific requirement for numbers of employees, etc.) This

building is 750 s.f. in floor area, and would then fall in the 9 spaces category. Section 11-32-103(8) deals with parking standards for Historic Structures, and is also attached here. This proposal is in the Sessions Building, an historic building by the measure of this chapter (“non-residential building which is over fifty (50) years old and/or which is listed on the national Register of Historic Properties.”). Under this paragraph, the Commission may consider reducing the amount of parking required. To do so, the Commission must find that the parking standard is in excess of the actual need at this specific location and for this specific purpose, and that granting a reduction will not jeopardize health, safety and general welfare or cause undue congestion on the adjacent streets.

Currently, there is only on-street parking for the building. The applicant has attempted to procure agreements to share or lease parking from nearby lots. Her letter outlining those activities is also attached to this report.

END OF PACKET MATERIAL

Jared Hall reviewed the background information of this Agenda item. He said that the applicant has food service experience and has procured a cook for the establishment. **Mr. Hall** said that Staff has met with the applicant and that the foremost issue of concern is parking. He pointed out that a previous conditional use permit was issued for the former pizza restaurant, but that for this application a new conditional use permit is needed.

Mr. Hall displayed a picture of Marcello’s Restaurant in Bountiful and said that parking for the proposed restaurant could be modeled after the parking at Marcello’s. He said that there are also similar situations in Salt Lake City.

Mr. Hall said that the building qualifies as an historical structure, and that City staff feels the Request is worth approving with the conditions as outlined in the Staff report. The Commission discussed the parking situation, and how the motion should be presented.

John Bilton raised the issue of whether or not the applicant will apply for a liquor licence.

Vice Chairman Poff invited the applicant to address the Commission.

Susan White (488 North Main) said that she is not presently considering applying for a liquor licence.

Ms. White explained that there are 17 parking spaces near the building, including six in the front and eleven on the side. She said she has contacted the school district, which indicated that customer parking will be allowed on its property after 3:30 p.m. **Ms. White** said that she is working toward obtaining a written agreement with the school district on this issue.

Susan White said she has contacted Rebecca Mann, who leases the building, about possibly using the gravel parking area in the back of the building, which would be available when special events are not in effect. **Ms. White** said the owner of Clark's also gave **Ms. White** permission to use their parking area. She said it has been difficult to secure parking exclusively for her restaurant, and hopes the Commission will determine that public parking is sufficient.

In response to a question by **John Bilton**, **Susan White** said that delivery service is not currently being considered, and that the restaurant will be substantially take-out.

Public Hearing

Vice Chairman Kevin Poff opened the meeting to a public hearing, and invited public comment.

Lynn Gillespie (272 Meadow Lane, Centerville) said she has concerns about taking parking away from surrounding businesses and tenants living in upstairs apartments. She said that there is no handicap parking access.

Ms. Gillespie said that she has been in the restaurant business in several capacities. She said her main concerns are regarding other problems, particularly trash, and that there is not a sufficient trash facility on the premises. **Ms. Gillespie** raised the issue of the wet trash which is normally produced by a Mexican restaurant on a daily basis.

In response to a question by **Rick Wyss**, **Ms. Gillespie** said that the owner of the building told her that **Susan White** would get the property if her proposal was the first approved. She said she knows the tenants who live upstairs in the building and that they were concerned about the proposed business, especially the parking. She said that she did not think there is a place for dedicated parking.

Susan White said that she has been to the upstairs apartments to assess the pipe and hood system, which need work to bring the building up to code. She said she has been in contact with the health department, and is willing to make the necessary repairs and changes at her own expense.

Ms. White said she has talked to the tenants, who told her they were agreeable to her proposal, and that she does not understand the discrepancy between her talks with the tenants and the comments by **Ms. Gillespie**. **Ms. White** said the upstairs tenants have been parking in Clark's driveway.

Concerning the issue of trash, **Ms. White** said that she has talked to the owners of Clark's, who have five city garbage cans. They have offered to allow **Ms. White** to place a small dumpster where the garbage cans normally sit.

Rick Wyss asked **Ms. White** if any tenants have expressed reservations about the proposal. **Ms. White** responded that the tenants seem happy.

The Commission discussed what requirements would be necessary to bring the pipe system up to code.

In response to questioning by **Kevin Poff**, **David Petersen** said that the Commission does not have to have all issues resolved before approval of the applicant's request can be granted. He said that the applicant is willing to make a substantial financial investment to improve the building, which will benefit the City. Mr. Petersen showed a picture of what the proposed building could look like after improvements are made, and pointed out that the historical nature of the building may be restored.

Public Hearing Closed

Vice Chairman Poff closed the public hearing, and opened the matter up to the Planning Commission for discussion.

Paul Barker asked why the pizza restaurant went out of business, and **Kevin Poff** replied that he was told that they had trouble finding employees. **David Petersen** said that the owner has other restaurants.

Jared Hall said that the conditional use permit for the pizza restaurant has strict requirements concerning hours, and that **Susan White** would need modifications of the permit. He said other issues would also need to be addressed, including a grease trap.

Andrew Hiller asked **Ms. White** about the number of tables the restaurant would have, and **Ms. White** said that the plan is to seat 30 to 35 people. She also said that part of the construction process would be to install a grease trap.

In response to questioning by the Commission, **Ms. White** said that the restaurant would have full time service, and that she was aware of the challenges that a downtown restaurant faces.

Motion

Rick Wyss made a motion that the Planning Commission recommend that the City Council grant the Conditional Use Permit of the applicant, with the following conditions:

1. The applicant will procure an arrangement of parking stalls to be leased or shared from a nearby lot of at least 5 stalls before a business license is granted;
2. The applicant will assure that deliveries to the business do not occur late enough in the day as to cause serious disruption to the flow of traffic on State or Main Streets;
3. The hours/days of operation are limited to those indicated in the applicant's letter, and subsequently in the staff report.

John Bilton seconded the motion, which passed unanimously.

Findings:

1. The use is in keeping with the goals and purposes of the zoning and General Plan;
2. The use is in a downtown area of limited parking but within easy walking distance of several large employers and therefore qualifies for a reduction in the parking requirement;
3. The hours/days of operation are limited to those indicated in the applicant's letter, and subsequently in the staff report.

The Commission suggested additional Findings:

4. The applicant qualifies for a reduction in parking.
5. Parking for the apartment tenants should be part of the landlord's concern.
6. City staff has indicated that the City is in favor of granting the request because of

applicant's intention to remodel the building, which will enhance the historical nature of the area.

7. The proposal is consistent with other improvements.

**WOODSIDE HOMES - (PUBLIC HEARING) - APPLICANT IS REQUESTING
CONDITIONAL USE APPROVAL TO LOCATE A TEMPORARY SALES OFFICE
IN A MODEL HOME ON LOT 136 OF THE HUNTERS CREEK SUBDIVISION (1923
W. 850 N.) IN THE AE ZONE. (TU-6-07) (Agenda Item #7)**

Background Information

Woodside Homes has had two model homes in the Hunters Creek subdivision, with offices for sales in the model home on lot 135. They have proposed moving the sales office to the model home on lot 136 at this time, under the conditions as previously approved. Staff determined that this would require a new permit and application to the Commission. We do feel the conditional use should be approved with the normal conditions the Commission applies.

END OF PACKET MATERIAL

Jared Hall reviewed the background information of this Agenda item.

[**Cory Ritz** stepped out of the room momentarily.]

Paul Barker asked why the applicant wants to move the sales office from one model home to another.

Kevin Poff invited the applicant to address the Commission.

Corey Davis explained that moving the sales office to the other model home was a sales tactic, because the "Crestwood" is more typical of what the developers are offering.

Kevin Poff said that a condition should be added ensuring that there are not two sales offices.

Public Hearing

Vice Chairman Poff opened the meeting to a public hearing.

Public Hearing Closed

With no forthcoming comments, **Vice Chairman Poff** closed the public hearing, and turned the issue over to the Commission for discussion.

In response to a comment by **John Bilton**, the Commission concluded that the issue of flags and flagpoles should be addressed as an added condition.

Motion

John Bilton made a motion to approve the temporary use of a sales office in a model home on Lot 136, subject to all applicable codes, development standards and ordinances, and with the following conditions 1-6, plus added conditions 7 and 8:

1. Permanent signs are prohibited. The size and location of signs must be in compliance with provisions of the zoning ordinance in which the use is conducted. All signs must be removed when the activity ends.
2. No loud speakers or amplifying sound devices shall be used in conjunction with the temporary use.
3. Outdoor lighting, if used, must be subdued. All lighting shall be designed, located and directed to minimize glare, reflection and light pollution into adjoining and nearby lots. Search lights shall not be permitted.
4. Conduct of the temporary use shall be limited to hours between 8:00 a.m. and 8:00 p.m.
5. No portable restroom facilities are allowed on site. Restrooms must be provided inside the model home / sales office.
6. The use granted is solely for purposes of a sales office associated with the subdivision in which it is located, and no other commercial activities of any kind shall be associated with this use permit.
7. The previous approval of a sales office in a model home on Lot 135 is cancelled. There is no approval for two sales offices.
8. Excessively large flags and balloons shall be prohibited.

Findings

1. The proposed use is in compliance with provisions of both the Zoning Ordinance and General Plan.

The motion was seconded by ____, and passed unanimously.

DISCUSSION OF THE LEGACY SCENIC BY-WAY WITH THE FARMINGTON CITY COUNCIL AND PLANNING COMMISSION (Agenda Item #8)

Vice Chairman Poff welcomed **Mayor Harbertson** and the members of the City Council who were present.

David Petersen introduced **Sharen Hauri**, a landscape architect with the MGB&A Grassli Group, who addressed the Planning Commission and members of the City Council regarding the Legacy Parkway Scenic Byway Master Plan. Her report in its entirety is included herein as Exhibit “A” to these minutes.

Several details regarding the Scenic Byway were discussed by the Planning Commission, the City Council and **Sharen Hauri**. **David Petersen** said he would procure a full plan and that a public hearing would be held in the future on the matter.

[**Rick Wyss** left the meeting at 8:15 p.m.]

GARBETT HOMES - APPLICANT IS REQUESTING A RECOMMENDATION FOR FINAL APPROVAL FOR THE PHASE 1 OF THE FARMINGTON CROSSING NORTH PUD SUBDIVISION, CONSISTING OF 145 UNITS ON 8.97 ACRES IN THE C(PUD) ZONE ON PROPERTY LOCATED AT APPROXIMATELY 840 N. SHEPARD CREEK PARKWAY. (S-30-05) (Agenda Item #9)

Background Information

Garbett Homes has previously received Final PUD Master Plan approvals, as well as Final Plat approvals for the overall project with the understanding that smaller phases would be brought to the City for final approvals as the condominium plats were ready (see attached letter dated October 17, 2006). The Commission and City Council recently approved some changes to the Farmington Crossing North project with respect to the trail alignment and the building elevations. The developer is ready to move forward with phase 1, 145 units (parcel A of the original Final Approval.

As an update, details for procuring the related trail alignment (working with Davis County for easements, etc.) are still being worked out, but progress is being made. The applicant is also continuing to work with UDOT on the access to Highway 89, as per the previous approvals and agreements.

END OF PACKET MATERIAL

David Petersen briefly reviewed the background information of this application, and said that City staff is recommending final plat approval for this phase.

In response to a comment by **Kevin Poff**, **David Petersen** said that improvement profiles have already been approved, and that lots cannot be sold until the plat is recorded.

Vice Chairman Poff invited the applicant to address the Commission.

Developer **Noel Ballstaedt** informed the Commission that Farmington Crossing won “Community of the Year”, awarded by the Utah Homebuilders Association.

The Commission briefly discussed the color proposals for the development.

Sid Young, a member of the City Council who was present, asked about the status of the pond in the development. **Noel Ballstaedt** said that he met with the County, and that a permit would be given as long as the City would assume liability. He said that the City had entered into similar agreements previously, particularly regarding the Sheperd Creek Trail, and that the County would concur if the same type of agreement is made.

Noel Ballstaedt said that if the City and County can come up with an agreement, the landscaping and other issues can be addressed.

Sid Young said that the pond is a significant amenity.

Motion

John Bilton made a motion that the Planning Commission recommend Final Plat Approval to the City Council for Phase 1 of the Farmington Crossing North Subdivision, subject to the following conditions:

1. Applicant must comply with all conditions of preliminary development plan approval for the PUD including Ordinance 2006-06.
2. Applicant must comply with all conditions of the recent approvals for changes to the building elevations in Farmington Crossing North and the related trail alignment and improvements;
3. Applicant must continue to work with city staff to make any necessary corrections to the plats and related improvement drawings in preparation for recording;
4. Applicant must continue to work with the City and County to resolve any remaining issues related to the perimeter trail.

The motion was seconded by **Paul Barker**, and passed by a unanimous vote.

Motion

Sid Young made a motion that the City Council grant Final Plat approval for Farmington Crossing North Subdivision, Phase 1, subject to the conditions recommended by the Planning Commission. The motion was seconded by **Rick Dutson**, and passed unanimously.

Findings:

1. The development is in keeping with the goals of the General Plan of the City;
2. The completion of the improvements, which include the trail, will add significantly to the overall connectivity of the city-wide trail system;
3. The application meets conditions of previous approvals;
4. The applicant has continued to strive to fulfill conditions of previous approvals for the project as a whole.

MISCELLANEOUS BUSINESS (CITY COUNCIL ONLY) (Agenda Item #10)

There was a general discussion of the Planning Commission, **Mayor Harbertson**, and members of the City Council, with City Attorney **Todd Godfrey**, concerning zone change requests in and near the TMU and CA/BP areas on the Master Plan.

**PLANNING COMMISSION CONSIDERATION OF THE FARMINGTON MEADOWS
LANDSCAPE PLAN (Agenda Item #11)**

David Petersen distributed a handout to the Planning Commission concerning the Farmington Meadows Phase 1 Development, which the Commission members briefly discussed.

Cory Ritz suggested that a condition be added to the motion regarding fencing during the construction process.

Motion

Cory Ritz moved that the Planning Commission recommend approval to the City Council of the Landscape Plan of Farmington Meadows Phase 1, with an added condition that an orange barrier fence be erected during construction, and that construction equipment and other debris be prohibited from the area. **Andrew Hiller** seconded the motion, which passed by a unanimous vote.

ADJOURNMENT

The meeting adjourned at 9:45 p.m.

***Kevin Poff, Vice Chairman
Farmington City Planning Commission***